

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DANIEL GARNICA-MELGOZA,

Plaintiff,

v.

ADAM FORTNEY, *et al.*,

Defendants.

CASE NO. 2:22-cv-00392-BHS-JRC

ORDER TO SHOW CAUSE RE
PERSONAL SERVICE

This matter is before the Court on referral from the District Court and on defendant's failure to return a service waiver.

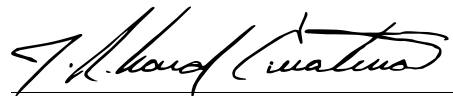
On April 1, 2022, this Court directed service of plaintiff's complaint on defendants Adam Fortney, Evan Twedt, and Grant Kendall. *See* Dkt. 7. The Court directed the Clerk to send defendants a waiver of service and informed defendants that if they failed to waive service within 30 days they would be personally served at their own expense. *Id.* at 2.

Although defendants Fortney and Kendall have returned service waivers, *see* Dkts. 11, 12, defendant Twedt has not, and no attorney has entered an appearance on his behalf. The Court

1 has no jurisdiction over defendant until he has been properly served under Federal Rule of Civil
2 Procedure 4. *Direct Mail Specialists, Inc. v. Eclat Computerized Techs., Inc.*, 840 F.2d 685, 688
3 (9th Cir. 1988). Under Local Civil Rule 4(c)(2), the Court may order that service be made by a
4 United States marshal. However, in this district, the marshals do not attempt personal service
5 upon a defendant unless mail service is unavailing.

6 As such, the Court **ORDERS** defendant Evan Twedt to show cause by **June 10, 2022**,
7 why he should not be personally served at his own expense for failure to file a service waiver.
8 Defendant may satisfy this show cause order by filing a waiver of service by that date.

9 Dated this 19th day of May, 2022.

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12 J. Richard Creatura
13 Chief United States Magistrate Judge
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